

ORDINANCE NUMBER 2011-18 IS SHOWN ON PAGES 6-8



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-961

Public Hearings Item #: 11.

BCC Regular Meeting

Meeting Date: 07/21/2011

Issue: 5:31 pm Public Hearing - Amending the Noise Ordinance, Chapter 42, Article III, Section 42-67

From: Alison P. Rogers, County Attorney

Organization: County Attorney's Office

CAO Approval: *Charles R. Oliver*

RECOMMENDATION:

5:31 p.m. Public Hearing for consideration of adopting an Ordinance amending the Noise Ordinance, Chapter 42, Article III, Section 42-67, of the Escambia County Code of Ordinances.

Recommendation: That the Board, at the 5:31 p.m. Public Hearing, adopt an Ordinance amending the Noise Ordinance, Chapter 42, Article III, Section 42-67, of the Escambia County Code of Ordinances.

BACKGROUND:

At the Committee of the Whole on June 9, 2011, the Board directed the County Attorney's office to amend the Noise Ordinance with regards to regulations affecting Perdido Key.

BUDGETARY IMPACT:

N/A

LEGAL CONSIDERATIONS/SIGN-OFF:

The ordinance was drafted by County Attorney Alison Rogers. The ordinance was advertised in the Saturday edition of the Pensacola News Journal on July 9, 2011.

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

N/A

IMPLEMENTATION/COORDINATION:

N/A

Attachments

Ordinance

ORDINANCE NUMBER 2011-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AMENDING CHAPTER 42, ARTICLE III, SECTION 42-67 OF THE ESCAMBIA COUNTY CODE OF ORDINANCES; AMENDING THE NOISE REGULATIONS FOR SANTA ROSA ISLAND AND PERDIDO KEY TO PROVIDE FOR NOISE READING AVERAGING ON PERDIDO KEY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the barrier islands of Escambia have unique tourist, recreational and entertainment characteristics that have long led to those areas having a different noise regulation than the mainland of Escambia County; and,

WHEREAS, the two barrier islands have distinct tourist, recreational and entertainment characteristics from each other; and

WHEREAS, the Perdido Key area is better suited to a decibel averaging regulation; and

WHEREAS, this ordinance affects the health, safety and welfare of those living and visiting Escambia County, Florida.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

SECTION 1.

Chapter 42, Article III, Section 42-67 of the Escambia County Code of Ordinances is hereby amended to read as follows:

Sec. 42-67. Regulations for Santa Rosa Island and Perdido Key.

Recognizing the unique tourist, recreational and entertainment characteristics of Santa Rosa Island (Pensacola Beach) and the Perdido Key areas of the county, the provisions of sections 42-64 and 42-65 shall not apply to these geographic areas. ~~For these geographic areas, in no event shall a person operate or cause to be operated or create~~

~~any source of sound in such a manner so as to create a sound level which exceeds 70 dbA (sound level measurement) when measured by a sound level meter at or within the property boundary of the receiving land use.~~ For these geographic areas, the following standards shall apply:

- A. Santa Rosa Island (Pensacola Beach): In no event shall a person operate or cause to be operated or create any source of sound in such a manner so as to create a sound level which exceeds 70 dbA (sound level measurement) when measured by a sound level meter at or within the property boundary of the receiving land use.

- B. Perdido Key: In no event shall a person operate or cause to be operated or create any source of sound in such a manner so as to create a sound level which exceeds an average of 70 dbA (sound level measurement) when measured by taking four sound readings over a continuous 15 minute period, with the four readings taken at approximately at equal intervals. Those sound readings shall be taken at or within the property boundary of the receiving land use. With regards to sound measurements of live music performances, when possible, none of the four readings shall be taken during a break, intermission or other period when no music is emanating from the sound equipment.

SECTION 3. SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 4. INCLUSION IN CODE

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by Section 125.68, Fla. Stat. (2010); and that the sections, subsections and other provisions of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section,"

"article," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Department of State.

DONE AND ENACTED THIS ____ DAY OF _____, 2011.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

Kevin W. White, Chairman

ATTEST: ERNIE LEE MAGAHA
Clerk of the Circuit Court

Deputy Clerk

(Seal)

This document approved as to form
and legal sufficiency
By [Signature]
Title County Attorney
Date 7/11/11

Enacted: _____
Filed with Department of State: _____
Effective: _____

7/21/2011 5:31pm PH

ORDINANCE NUMBER 2011-18

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WHEREAS, the two barrier islands have district tourist, recreational and entertainment characteristics from each other; and

WHEREAS, the Perdido Key area is better suited to a decibel averaging regulation; and

WHEREAS, this ordinance affects the health, safety and welfare of those living and visiting Escambia County, Florida.

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Verified By: *d. Macanthur*

Date: 7/22/11

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"article," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Department of State.

DONE AND ENACTED THIS 21st DAY OF July, 2011.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

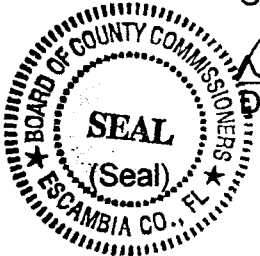
K White

Kevin W. White, Chairman
Date Executed

7/21/2011

ATTEST: ERNIE LEE MAGAHA
Clerk of the Circuit Court

Doris Harris
Deputy Clerk



This document approved as to form and legal sufficiency

By *[Signature]*
Title County Attorney
Date 7/11/11

Enacted: July 21, 2011
Filed with Department of State: July 25, 2011
Effective: July 25, 2011